

MAR 27 2005

**FACSIMILE TRANSMISSION COVER SHEET**

**Faxed to 703-872-9306**  
**Art Unit 3722**

**March 27, 2005**

**Application/Control Number: 09/856,228**

**Number of Pages including cover sheet: 40 (forty)**

**Also sent via United States Express Mail**

**To: Ms. Jamila Williams, Examiner, Art Unit 3722**

**From: Craig L. Linden, Inventor**

**Re: Response to January 5, 2005 Final Office Action**

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**Response to January 2005 Office Action**

**March 27, 2005**

**Mailed and Faxed to 703-872-9306, with cover page, new abstract, specification and claims**

***Specification – My Responses:***

1. My reworded abstract is attached as a separate page. I am willing to consider additional changes and corrections as may be requested.
2. I have substituted the word “communications” for the word “transceiver” of the specification. I have reviewed the specification and I have clarified, added examples and made corrections. I am willing to consider additional changes and corrections as may be requested.

***Claim Objections ~ My Responses***

3. I have corrected claims 1-6, 9-14, 17-25 by deleting the commas (,) at the end of the claims and have inserted a period (.). I am willing to consider additional changes and corrections as may be requested.

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***Claim Rejections – 35 USC Section 112 ~ My Responses***

4-5. I believe my method claims 23-25 are properly limited by limiting such methods to use of my inventions covered in my application. The USPTO formerly requested I remove the examples, which followed all my claims, and I have complied. If any of my claims are constructed poorly, wrongly or are otherwise defected, I (as a layperson) request help correcting them. If there is a way to give explanation, or otherwise further limit the claims so as to overcome the rejection(s) then I request guidance, as I am willing to make required changes. I believe these three claims are clear and self-limiting as written because: a. I have limited claims 23-25 to methods using my inventions; b. the deleted examples which had originally followed all the claims will assist in clarification if they are allowed to be moved to the specification and; c. that persons skilled in the various related arts -- after study of the application and the inclusive prior art references -- should be able to practice all my claims.

***Claim Rejections – 35 USC Section 102 ~ My Responses***

6-7. I do not know which of my arguments or information I present in my overall response will overcome the Kikinis' '602 related rejection. Therefore the additional issues, arguments and information presented below or elsewhere in this response are not ranked in order of importance. It is my prayer that one or more of the arguments presented in this response will be enough to allow my invention's patentability.

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For a number of reasons, my invention was not anticipated by '602 Kikinis. One reason is that in the late 1990s – a time when PC computers were growing in processing power, memory size, speed and popularity – Kikinis' concept was to leverage the PC's technical abilities to enable his invention. By doing so, every aspect, function and claim of Kikinis' '602 is totally dependant upon one or more host computers, including the specific internal components detailed in the '602 specification. My invention is not similarity limited. At a time when Kikinis and other inventors were designing complicated peripheral and other devices to take advantage of (and be tethered to – wired or wirelessly) the personal computer, my invention took a different path – not solely dependent on host computers. This is an important difference because a reading of Kikinis' '602, would lead persons skilled in the art to wonder, "what can we do better or even more complicated or even more computer dependant" than '602. The Kikinis' '602 specification essentially states that the advent of the modern PC made his invention possible. Therefore, I cannot accept that my invention's claims should be rejected as being anticipated by '602 t Kikinis. Just the opposite: my invention should be allowed because Kikinis' '602 teaches a path apart from the path I choose – as the additional reasons and information below attest:

The Patent Office states that '602 Kikinis shares elements that are similar to means contained in my claims. However, again '602's claims contain many more elements than my claims. And Kikinis' '602 elements strictly limit the '602 invention.

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One of the few shared elements mentioned by the USPTO is the '602 power supply 33. However the '602 power supplies and all embodiments of his invention are limited to electrical power supplies. My specification suggests several different possible sources of power.

I agree that both Kikinis' '602 and my invention include coverings or enclosures. However, I don't believe the very few shared similar elements should affect my patentability because my invention is different from Kikinis'. Again, while my invention may share a few elements and/or means with '602 (my invention requires much fewer elements/means) there are so many additional elements necessary for the Kikinis' '602 invention. The inventions are quite different from the other. Toward the end of this response I write hypothetically about why past inventions with shared similar elements and/or even similar means would have been granted patents.

Kikinis' figure 2 is cited for representing the "local or remote control..." However, in fact, all embodiments of the Kikinis invention are actually limited to remote control because every Kikinis' embodiment is remotely controlled by the local host computer and the programs stored in the computer's mass storage device, etc. Please note that whether the child talks to the doll's microphone or squeezes a built-in switch, any and all such input signals from the Kikinis' '602 device are first processed by the separate host PC computer (local and/or remotely located) and only then are routine-based movement instructions returned to the doll or other Kikinis' entity.

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Therefore, I believe the Kikinis' entities are exclusively remotely controlled whether by the home computer and/or computers located elsewhere or by other persons using the remote Kikinis' entity as a way to communicate with a child. Because, never does a Kikinis' entity remotely located user transmit a live (non-scripted) movement. Kikinis' '602 entity movements are always scripted (claim 21 and elsewhere in the '602 patent). Kikinis makes no suggestion of bi-directionally communicating live (or even one-way) non-programmed movements. Because Kikinis' '602 is strictly limited to the triggering of preprogrammed computer generated responses (column 4 lines 18-25). The scripted Kikinis' device movements are to be enjoyed visually to enhance learning, etc. (column 4 lines 18-25 and elsewhere). Also see Kikinis claims 6 and 21.

My invention is not limited to being remotely controlled and my invention's physical display output is not limited to being controlled by programmed routines located in a host computer's mass memory device.

Kikinis' '602, figure 2 was cited by the USPTO for representing the "means to deliver electrical energy to a being". I do not believe the Kikinis' invention, his specification nor anything in pictured figure 2, suggests the direct delivery of electrical energy to a being. Instead, I believe the various embodiments of the Kikinis' physical output displays are all strictly limited to scripted

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mechanical movements generated by electrical-mechanical devices. So, although electrical energy is used to power the Kikinis' invention's motion, the output is movement -- not electricity.

Another possibly shared element mentioned by the UPSPTO is the Kikinis' '602 "recording and playback" element located within the necessary separate host computer(s). This element is not built into the Kikinis' entities (column 4, lines 11-14). Column 8, lines 52-57 mention sound circuitry 71 in doll 13 (fig. 2) which converts the digital sound data coming from the host computer's mass memory device to analog output to the doll's speaker. Sound circuitry 71 also converts the analog output of the doll's microphone to digital data. There is no recording and playback means within the Kikinis' doll as referenced. My invention is not similarity limited.

From Kikinis' '602 I will list some of the many elements required for at least partial operation of Kikinis' '602 entities' "indirect interaction" ('602 abstract last two lines) between two persons, should for argument sake, such communication also include scripted entity movements. First, please remember the primary Kikinis' communication means is sound-based via the microphones and speakers:

- Two very complex dolls, each with many specific elements named in his claims. To enable Kikinis' entities to operate they require, among other elements, built-in control and built-in audio circuitries coupled to built-in microphones, speakers, electrical power supplies, microcontrollers, digital memories, analog-to-digital devices,

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communication links, ports and servo mechanisms. Again it is an important distinguishing fact that most of these Kikinis '602 elements are not required in my invention:

- A minimum of two separate host computers not supplied with Kikinis' dolls/entities – i.e., to be purchased at considerable extra expense, Internet access and browser software, Internet server computers, monthly connect fees, four or more modems and software/hardware based “loaded routines” (column 11 lines 45-54). Even if the two homes have computers and are Internet connected, the computers are usually shared by family members, which would limit play or learning time for the children and their Kikinis' dolls or related entities.

My method claims 23-25 are also very different than Kikinis' '602 method claims 20-21. Kikinis' claim 20 is about using audio data from a host computer's memory and about voice interaction, etc. Kikinis' claim 21 adds movement method to claim 20 but all such movement instructions are retrieved from the host computer's memory. These are exclusively programmed movements to add visual enhancement the teaching experience. In fact, this one way why Kikinis' '602's entity's movements differs so much from certain embodiments of my invention: mine is about bi-directional live bodily physical interaction and Kikinis' '602 is primarily about audio interaction with certain of the '602 embodiments being equipped to provide scripted movement to enhance the audio output.



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***General Hypothetical Examples Regarding Similar Elements***

***~ The Powered Rocket Invention versus the Powered Airplane Invention versus Birds ~***

Please imagine a hypothetical example is set in the year 1790, when Mr. Abel invented and was awarded patents for the first airplane with the following specific elements: a structure, wheels, engine, 3 wings, fuel tank, rudder and other elements to allow it to fly. Now imagine that in 1792, Mr. New invented and flew the first rocket, and that his new rocket had several elements in common with Mr. Abel's patented airplane. Was Mr. New denied a patent for his rockets? No – why not? Because Mr. New was granted a patent for his rockets because, even though his rockets included several of the elements in Mr. Abel's airplane patents, the rocket invention was quite different from the airplane. And, regardless of the fact that after seeing the rocket in flight some people said the rocket was anticipated by Mr. Abel's airplane patent, Mr. New was granted patent rights. The rocket was quit simple compared to the tri-winged airplane and the rocket's speed and high altitude performance was so amazing the military actually helped Mr. New obtain worldwide patents. The military and the USPTO didn't care if some of the elements were similar to Mr. Abel's airplane patent, nor that both inventions were created to fly.

If God waited until 1792 to create and apply for a patent for birds, would the USPTO tell God that Mr. Abel's 1790 airplane invention was anticipated living birds? Both have: wings; energy supplies (fuel/food); means to convert energy to mechanical output (motors/muscles); fight controls (rudder controlled by human brains and muscles vs. bird brains and muscles controlling feathers). Having similar

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elements -- nor the anticipation argument, would have denied God his patent on birds ~ not because s/he was God but, because the beautiful gift of live birds was such a different invention. And such a denial would have been such a loss to the world if such creativity was stifled. The development of birds would have stopped at God's first species of bird ~ a bird that is now extinct. Our world would now be without any birds, not only for humans to enjoy, but to eat when necessary for human survival, but also to protect the human race from overpopulation of certain life-threatening insects, etc. All because we might not have rewarded God a patent for his first bird.

*~ The Tractor Invention versus the Airplane Patent ~*

Please imagine a time when there were no automobiles. Imagine Mr. Farmer inventing the first fuel powered tractor having many of the airplanes elements: a body structure, wheels, engine, steering wheel and fuel tank. Would Mr. Farmer be denied a patent for his wonderful invention – a device that would later help feed the world? Would the denial basis be that his new tractor had some of the same elements as the patented airplane: wheels, body, engine, steering wheel, etc.? Would the denial basis be that the airplane patent anticipated the powered farm tractor? No – Mr. Farmer was granted patent rights because the inventions were quite different.

*~ The Vacuum Tube Invention versus the Crystal Radio Invention ~*

Now, please imagine the developments in radio technology early in the 20<sup>th</sup> century. The vacuum tube was invented that allowed for broadcasting and receiving radio signals. The first vacuum tube radios were

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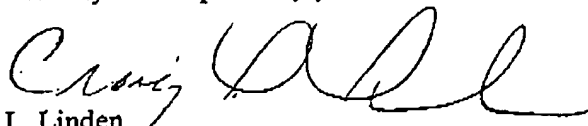
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built into large furniture-like wooden cabinets and they were expensive and heavy. These big radios were stationary – requiring power sources, complex circuits and speakers. The inventor Dr. De Forest and other radio pioneers were granted many related patents. Now just suppose, that the small simple non-powered (powered only by energy in the radio waves) crystal radios were invented after the large tube-powered stationary radio sets. The new crystal sets were inexpensive, very small, light and portable and they didn't even need a battery! Kids could even build them at home. While the crystal sets share some common elements with the larger vacuum tube radios: tuning means, speakers, antennas, etc. Shoot, they are even both radios. However, I believe patents would have been granted to the inventor of the crystal radio -- much the same as the other examples above. Another related example is why the USPTO allowed transistors to be patented even though they have several means in common with vacuum tubes. Can we imagine a world without transistors?

*In Summary*

I hope that this response is adequate to allow my patent grant. If not, thank you very much in advance, for any and all assistance you and/or other USPTO staff members whom might provide me guidance that I might better present old and/or new arguments and information to further help eliminate your objections to my claims. Remember, I remain willing to modify my claims, specification and/or abstract if necessary.

Very sincerely and respectfully yours,

  
Craig L. Linden

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